[Filed May 3, 1994]

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE:	)	GRAND JURY MISC.
	)	NO. 1-93
GRAND JURY	)	
INVESTIGATION	)	ORDER
_____	)	

Upon petition of the United States Attorney's Office and after hearing the court finds as follows:

1. On March 31, 1994, the court ordered Mr. Reinhold Marsoner to appear at the Internal Revenue Service on or before April 8, 1994 at 12:00 p.m. to sign the attached consent directive;

2. Mr. Marsoner failed without just cause to abide by the court's order and refused to sign the consent directive, asserting his rights under the Fourth and Fifth Amendments of the United States Constitution and the laws of Austria of which he is a citizen;

3. Mr. Reinhold Marsoner is in civil contempt of this court's order of March 31, 1994.

WHEREFORE, the court imposes a sanction in the form of a fine in the amount of $100 and incarceration until Mr. Marsoner purges his contempt by signing the consent directive. Such incarceration is not to exceed the term of the grand jury before which Mr. Marsoner was subpoenaed and ordered to sign the consent directive.

IT IS FURTHER ORDERED staying the fine and sanction of incarceration pending appeal to the Ninth Circuit Court of Appeals and application for writ of certiorari to the United States Supreme Court. Counsel for Mr. Reinhold Marsoner are to inform this court promptly upon resolution of the appeal and application for writ of certiorari.

DATED this 2 day of May, 1994.

/s/ Stephen M. McNamee
United States District Judge
District of Arizona

APPENDIX D

[Filed February 2, 1995]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

IN RE GRAND JURY PROCEEDINGS	)	No. 94-15781
	)	
REINHOLD MARSONER,	)	DC# MISC-93-SMM
	)	Arizona
Witness-Appellant,	)	(Phoenix)
v.	)	
	)	
UNITED STATES OF AMERICA,	)	ORDER
	)	
Appellee.	)	

Before: TANG, PREGERSON and T.G. NELSON, Circuit Judges

The panel has voted to deny appellant's petition for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing en banc is denied.

APPENDIX E

[Filed April 26, 1995]

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

IN RE GRAND JURY PROCEEDINGS	)	No. 94-15781
	)	
REINHOLD MARSONER,	)	DC# MISC-93-SMM Arizona (Phoenix)
Witness-Appellant,	)	
v.	)	
UNITED STATES OF AMERICA,	)	ORDER
Appellee.	)	

Before: TANG, PREGERSON and T.G. NELSON, Circuit Judges

Appellant's motion to recall the mandate is granted.

Appellant's motion for reconsideration of this court's February 2, 1995 order is granted.

The order entered February 2, 1995 is amended nunc pro tunc to that date to read as follows:

The panel has voted to deny appellant's petition for rehearing and to

reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

Accordingly, the petition for rehearing is denied, and the suggestion for rehearing en banc is rejected.

The mandate shall issue fourteen days from the date of this order.

APPENDIX F

[Filed June 3, 1994]

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

IN RE GRAND JURY PROCEEDINGS	) No. 94-15781
REINHOLD MARSONER,	) DC# MISC-93-SMM) Arizona) (Phoenix)
Witness-Appellant,	)
v.	)
UNITED STATES OF AMERICA,	) ORDER
Appellee.	)

Before: TANG, PREGERSON and T.G. NELSON, Circuit Judges

The court affirms the district court's order finding appellant in contempt of court for refusing to sign a consent directive before the grand jury as directed by the district court. See 18[sic] U.S.C. § 1826.

A published opinion of the court's decision will follow.